

Attorney's Docket No. W-3948**PATENT***IFW***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gregory R. Smith

Serial No.: 10/699,307

Group No.: 1661

Filed: 10/30/03

Examiner: June Hwu

For: Pomegranate Tree Denominated 'Smith'

Commissioner of PatentsP. O. Box 1450
Alexandria, VA 22313-1450**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

a small entity. A verified statement:
 is attached.
 was already filed.
 other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450 Alexandria, VA 22313-1450

Date: 6-7-05**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office

Signature

Rodney K. Worrel

(Type or print name of person certifying)

06/10/2005 MWDLGE1 00000008 10699307

01 FC:1253

510.00 OP

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period. If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 360.00	\$180.00
<input checked="" type="checkbox"/> three months	\$ 840.00	\$420.00
<input type="checkbox"/> four months	\$1,320.00	\$660.00
	\$1,360.00	\$680.00

Fee \$ 510.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

OR

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE OR RATE
TOTAL •	MINUS **	=	$\frac{9}{x11} = \$$	$\frac{18}{x22} = \$$
INDEP. •	MINUS ***	=	$\frac{39}{x27} = \$$	$\frac{78}{x24} = \$$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			$\frac{130}{+115} = \$$	$\frac{260}{+260} = \$$
			TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$

- * If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
- *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR § 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

(c) No additional fee for claims is required.

OR

(d) Total additional fee for claims required \$ _____

FEE PAYMENT

5. Attached is a check in the sum of \$ 510.00
 Charge Account No. _____ the sum of
\$ _____

A duplicate of this transmittal is attached.

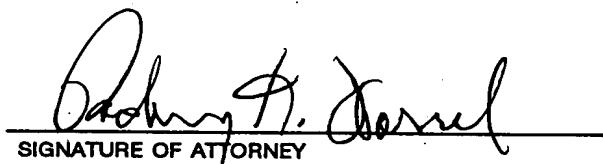
FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. If any additional extension and/or fee is required, charge Account No.
23-3185

AND/OR

If any additional fee for claims is required, charge Account No.
23-3185



Rodney K. Worrel

SIGNATURE OF ATTORNEY

Reg. No.: **27,475**

Tel. No.: **(559) 431-4391**

Rodney K. Worrel

type or print name of attorney

**St. Croix Professional Center
2109 W. Bullard Ave., Ste 121**

P.O. Address

Fresno, California 93711-1258

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